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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/300,671	04/27/1999	HIROKAZU TAKAGAKI	450100-4862	4747

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NEW YORK, NY 10151

EXAMINER

TRINH, SONNY

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 03/30/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/300,671

Applicant(s)

TAKAGAKI, HIROKAZU

Examiner

Sonny TRINH

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **1. CONTINUED EXAMINATION UNDER 37 CFR 1.114 AFTER FINAL REJECTION**

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/27/04 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 7-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 7-8, 10-14, 16-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Robb ("Robb"; International Application (PCT) WO 97/26744) in view of Salomaki, Ari (Salomaki; International Publication Number WO 97/28649).

Regarding **claim 7**, with reference to figures 1A-1B and description, Robb discloses a mobile communication apparatus, comprising:

a) communication means for transmitting and receiving information signals to and from a base station via radio waves (page 1); said base station further transmitting and receiving information signals to and from a service provider("remote processing center" abstract) through a public line network(inherent);

b) input/output means for a user to interact with said mobile communication apparatus; said input/output means comprising a keypad, display means, a speaker, and a microphone (pages 1-2);

c) a removable semiconductor memory for storing received information signals (pages 1-3; i.e "PCMCIA"); and

whereby said mobile communication apparatus is selectively operable to perform the operation of outputting received information signals at the time of reception (abstract).

However, Robb does not explicitly disclose the processing means for encrypting the information signals prior to storage in said memory means.

In an another analogous art, Salomaki teaches the scrambling of digital media objects in connection with transmission and storage. Salomaki further teaches that Smart Card can be used in products like GSM mobile telephone system that can encrypt the data in connection with transmission and storage so that their reception and reproduction without a permission is as difficult as possible (pages 1-5, specifically page 2 lines 4-15).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include, within the Robb's system, the encrypting the data in connection with transmission and storage in the Smart Card, as taught by Salomaki, to protect the personal information that are stored in the memory module.

Regarding **claim 8**, Robb further teaches the recording/reproducing means for recording information signals input to said memory means and for reproducing information signals stored in said memory means (pages 1-3).

Consider **claim 10**, Robb further teaches a headphone device so that a user can listen to the information (page 10, 2<sup>nd</sup> paragraph, figures 1A-1B, earphone 15).

Consider **claim 11**, Robb further teaches the information signals include voice data, and music data (abstract, MPEG-4).

Consider **claim 12**, Robb further teaches the display means comprises a liquid crystal display (LCD) having a touch sensing screen, whereby the user can input information signals by touching said touch sensing screen (pages 2, 10).

As to **claims 13-14, 16-18**, these claims merely reflect the method claim to the apparatus claim of claims 7-8, 10-12 (respectively) and are therefore rejected for the same reasons.

4. **Claims 9, 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Robb ("Robb"; International Application (PCT) WO 97/26744) in view of Salomaki, Ari (Salomaki; International Publication Number WO 97/28649) and in further view of Kariya (Kariya; Patent No. 6,169,897).

Consider **claim 9**. The combination of Robb and Salomaki together discloses the invention, however, the combination does not disclose that said public line network is the internet and said base station communicates with said service provider using a universal resource locator. In another analogous art, Kariya discloses a mobile communications system which provides a mobile subscriber with local information. Kariya further discloses that said public line network is the internet and said base station communicates with said service provider using a universal resource locator (figures 1-2, detailed description, column 3, line 54 to column 5, line 32).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to include, within the within the system of Robb and Salomaki, the internet with the URL, as taught by Kariya in order to tap into the vast information afforded by the internet for downloading different types of data.

As to **claim 15**, this claim merely reflect the method claim to the apparatus claim of claim 9 and is therefore rejected for the same reasons.

### ***Conclusion***

***Any response to this action should be mailed to:***

*Commissioner of Patents and Trademarks  
Washington, D.C. 20231*

***or faxed to:***

*(703) 872-9306, (for formal communications intended for entry, for informal or draft communications, please label "PROPOSED" or "DRAFT")*

Art Unit: 2685

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, 6<sup>th</sup> Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonny Trinh whose telephone number is (703) 305-1961. The examiner can normally be reached Monday through Thursdays from 7:00 am to 4:00 p.m., and on alternate Fridays.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

*Sonny Trinh*

Patent Examiner  
3/22/04



**SONNY TRINH  
PATENT EXAMINER**